

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ANGELA CARPENTER,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-15-200
)	
THE UNITED STATES OF AMERICA)	
and the UNITED STATES DEPARTMENT)	
OF HEALTH AND HUMAN SERVICES,)	
)	
Defendants.)	

ORDER

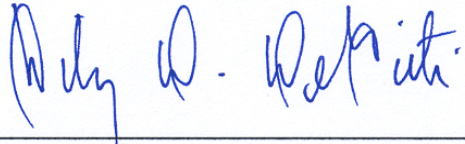
Before the Court is the United States Department of Health and Human Services' Motion to Dismiss with Brief in Support [Doc. No. 17]. Plaintiff has not responded to the Motion.

Defendant, the United States Department of Health and Human Services, seeks dismissal of Plaintiff's claims against it on grounds the only proper defendant in this action brought pursuant to the Federal Tort Claims Act is the United States. *See* Defendant's Motion at p. 2 *citing Galvin v. Occupational Safety & Health Admin.*, 860 F.2d 181, 183 (5th Cir. 1988) ("It is beyond dispute that the United States, and not the responsible agency or employee, is the proper party defendant in a Federal Tort Claims Act suit."); *see also Wexler v. Merit Systems Protection Bd.*, 986 F.2d 1432, 1432 (10th Cir. 1993) (table op.) ("[u]nder the FTCA, only the United States is a proper defendant"). The United States has been substituted as the only proper defendant in this action. *See* Order [Doc. No. 18]. Accordingly, Defendant's Motion should be, and is hereby, GRANTED.

IT IS THEREFORE ORDERED that the United States Department of Health and Human Services' Motion to Dismiss with Brief in Support [Doc. No. 17] is GRANTED and Plaintiff's claims against Defendant are dismissed for lack of jurisdiction. *See Galvin*, 860 F.2d at 183 ("an

FTCA claim against a federal agency or employee as opposed to the United States itself must be dismissed for want of jurisdiction”).

IT IS SO ORDERED this 22nd day of June, 2015.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE